

REMARKS

Claims 17 and 18 have been amended. A Request for Permission to Amend Figure 1 is submitted. The examination and reconsideration are respectfully requested.

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Accordingly, Applicants have amended these claims to moot this rejection.

Independent claim 13 and dependent claims 14-16 were rejected as being anticipated by SCHUERMANN ((US 5,552,789). Reexamination and reconsideration are respectfully requested.

Applicants' independent method claim 13 recites a method for operating a vehicle in which access authorization is determined via a dialog between a control device fixed in the vehicle and an authorization verification device carried by the user. The method interrogates the authorization verification device for the purpose of starting the vehicle drive unit independently of the dialog for establishing access authorization. By contrast, in SCHUERMANN the information included in the transponder serves to enter the car and also to provide ignition control. It does not, however, provide any disclosure or suggestion for independent interrogation for the purpose of starting the vehicle drive unit from the purpose of establishing the access authorization as recited in Applicants' claimed invention. Indeed, for SCHUERMANN to work in the sense

of Applicants' invention, an additional reading device would be required in connection with the ignition system. Our review of SCHUERMANN does not disclose or suggest an additional reading device.

In view of the foregoing, Applicants submit independent claim 13 is patentable over SCHUERMANN. Further, claims 14-24 depend from claim 13 and are also submitted to be patentable.

Similarly, independent apparatus claim 25 recites a system for carrying out the prescribed method. Hence, this claim is also submitted to be patentable over SCHUERMANN whether taken alone or in view of YOSHIDA. Finally, claims 26-30 depend from claim 25 and are also submitted to be patentable.

Summarizing, Applicants have made an important contribution to the art to which the present subject matter pertains, for which no counterpart is shown in any of the art or combination of same. The invention is fully set forth and carefully delimited in all claims in this case. Under the patent statute, Applicants should not be deprived of the protection to which they are entitled for this contribution. Accordingly, it is respectfully requested that favorable reconsideration and an early notice of allowance be provided for all remaining claims.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/48953).

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 17 and 18 as follows:

17. (Amended) The method according to claim 15, wherein if an interrogation is unsuccessful after the start of the operation of the vehicle drive unit, the method mechanically unlocks a [vehicle-fixed] memory fixed in the control unit of the vehicle to provide an access authorization code.

18. (Amended) The method according to claim 16, wherein if an interrogation is unsuccessful after the start of the operation of the vehicle drive unit, the method mechanically unlocks a [vehicle-fixed] memory fixed in the control unit of the vehicle to provide an access authorization code.